

REMARKS/ARGUMENTS

Claims 1-24 are pending in the present application. Claims 1 and 8 have been amended. Claims 22-24 are new claims. Claims 1, 8, and 23 are independent claims.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to reconsider the outstanding claim rejection.

Specification

The specification has been amended at paragraphs 0043, 0047, and 0054.

It is respectfully submitted that the amendment to paragraph 0043 corrects a minor typographic error, and therefore does not add any new matter to the present application.

Furthermore, it is respectfully submitted that upon review of the present specification (e.g., at paragraphs 0046-0056 of pages 10-13), it will be evident that the amendments to paragraphs 0047 and 0054 do not add any new matter to the present application. Particularly, paragraph 0047 has been amended to clarify the passive feedback described in paragraph 0056. Also, it will be clearly evident that the limited range of illumination described in paragraph 0054 is another form of passive feedback. Thus, it will be readily apparent that these amendments do not add new matter.

Drawings

In the Office Action, the Examiner has indicated that the originally filed drawings are acceptable for examination purposes. However, the Examiner indicated that Formal Drawings would be required along with the Reply to the Office Action. Applicants respectfully submit that formal drawings have been filed concurrently herewith.

It is respectfully submitted that these Formal Drawing fully comply with the requirements of the U.S. Patent and Trademark Office. Should the Examiner or the Official Draftsman have any objection to these Formal Drawings, it is respectfully requested that the undersigned be contacted as soon as possible so that the appropriate action may be taken.

Rejection Under 35 U.S.C. § 103

Claims 1-21 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 4,158,885 to Neuberger (hereinafter Neuberger) in view of U.S. Patent Application Publication No. U.S. 2002/0105432 to Pederson et al. (hereinafter Pederson). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Claims 1-7 and 9-21

As amended, independent claim 1 now recites that at least one light emitting device emits a light pattern and the pilot's perception of this light pattern changes as the approaching aircraft's relative position changes, thereby providing positional feedback to the pilot.

Applicants respectfully submit that the amendments to claim 1 are fully supported in the specification at, *inter alia*, paragraphs 0046-0047 and 0051-0054 of pages 10-13. These paragraphs describe examples of positional feedback, including appearances of horizontal and vertical striations, and limited ranges of illumination. Such feedback is perceived by the pilot of an approaching aircraft, and provides information regarding the approaching aircraft's position relative to the refueling tanker aircraft.

Neuberger, on the other hand, discloses a guidance-light display apparatus on a refueling tanker aircraft that includes a sensing system that develops electrical signals representing position information of the approaching aircraft to be refueled. See Neuberger at column 7, lines 22-51. Neuberger discloses that this system also includes a computer, which receives the electrical position signals and generates coded position information. Also, Neuberger teaches that this position

information is converted by decoding logic circuitry into signals used for operating the guidance-lights of the display. See *Id.* at column 13, lines 31-36. Based on these signals, particular ones of the array of guidance-lights in Neuberger's display is illuminated. In Neuberger, it is the selection of illuminated lights that informs the approaching pilot about his position. See, e.g., *Id.* at column 25, line 25 - column 26, line 39.

As such, it is respectfully submitted that Neuberger's system only provides positional feedback to a pilot by actively sensing the position of the pilot's aircraft and displaying the sensed position to the pilot. There is no teaching or suggestion in Neuberger that the pilot's perception of an emitted light pattern changes, thereby providing positional feedback to the pilot, as required by independent claim 1.

It is respectfully submitted that Pederson fails to remedy the deficiencies of Neuberger. Specifically, Applicants submit that Pederson provides no teaching or suggestion of providing positional feedback. Furthermore, there is no assertion by the Examiner that Pederson teaches or suggests providing positional feedback.

MPEP § 2143.03 sets forth the following requirements for a proper § 103(a) rejection:

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."

At least for the reasons discussed above, Applicants respectfully submit that Neuberger and Pederson fail to teach or suggest every feature recited in claim 1. Thus, claim 1 is not rendered obvious by the Neuberger/Pederson combination.

Applicants respectfully submit that claim 1 is in condition for allowance at least for the reasons set forth above. Furthermore, Applicants respectfully submit that claims 2-7 and 9-21 are allowable at least by virtue of their dependency on claim 1. Thus, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-7 and 9-21 under 35 U.S.C. § 103(a).

Claim 8

Furthermore, claim 8 has been amended in independent form to include the features of the base claim (independent claims 1, as originally filed) and any intervening claims (claim 7). Accordingly, Applicants respectfully submit that this amendment does not change the scope of claim 8. As such, Applicants respectfully submit that in future consideration, claim 8 is entitled to its full range of equivalents.

Claim 8 recites that a sheet of light, which is emitted to a pilot of an approaching aircraft, striates as the aircraft's fuel receptacle moves out of alignment with the boom envelope. Applicants respectfully submit that this feature is neither taught nor suggested by Neuberger and Pederson. Also, the Examiner does not assert Neuberger and Pederson teaches or suggests this feature.

Thus, it is respectfully submitted that the Examiner has failed to provide a teaching or suggestion of all of the features of independent claim 8. Accordingly, Applicants submit that a *prima face* case of obviousness has not been established. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the § 103(a) rejection of claim 8.

More Thorough Explanation Requested

Applicants further wish to point out that MPEP § 706.02(j) states the following:

"It is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the Applicant can be given fair opportunity to reply."

Applicants respectfully submit that the Examiner's current rejection fails to point out specific portions of Neuberger and Pederson upon which the Examiner relies to reject the present claims. In fact, even though the Examiner rejected all of the

original claims, most of the features recited in these claims were not discussed in the Examiner's rejection. Thus, it is unclear whether these claimed features were even considered.

Accordingly, if the Examiner does not believe that the above amendments and remarks places the present application in condition for allowance, Applicants respectfully request the Examiner to clearly explain the rationale for the rejection in the next Office Action, so that Applicants can be given fair opportunity to reply.

New Claims 22-24

Claims 22-24 have been added. Applicants respectfully submit that the addition of these claims add no new matter to the present application.

For example, the original specification describes various types of passive feedback, as claimed in new independent claim 23. Such feedback may include, but is not necessarily limited to, striations and limited range of illumination. See, e.g., paragraphs 0047 (page 11) and 0053 (pages 12-13) in the originally filed specification. It will be readily apparent that there is no requirement of actively ascertaining (e.g., sensing or detecting) the position of the approaching aircraft to provide such feedback.

Conclusion

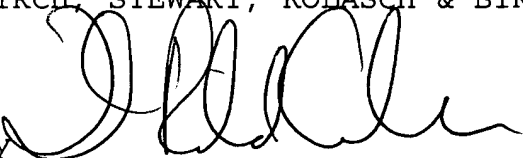
Applicants earnestly believe that the present application is in condition for allowance in view of the above amendments and remarks. Thus, it is respectfully submitted that a Notice of Allowance should be issued in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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